

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.143/2023/EZ

Sudhen Ghosh

Applicant(s)

Versus

The West Bengal Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 12.10.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Kallol Basu, Advocate a/w
Mr. Nilanjan Pal, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Kallol Basu, learned Counsel assisted by Mr. Nilanjan Pal, learned Counsel appearing (in Virtual Mode) on behalf of the Applicant.
2. This Original Application has been filed by the Applicant alleging that a Transformer Repairing Unit namely M/s KMT Industries, Respondent No.8, is carrying on its business in a congested residential area adjacent to the house of the Applicant. It is stated that the house of the Applicant was constructed in 1988 whereas the Unit was set up in 2006. This Unit is stated to fall within the 'Orange Category' of the Siting Guidelines issued by the West Bengal State Pollution Control Board. The allegations are that there is an open bathroom and a Khatal just adjacent to the house of the Applicant used by the workers of the Unit and which has been constructed by the Respondent No.8. It is alleged that there is no Sewage Treatment Plant (STP) in the said Unit. There is also allegations of oil seepage and storage of used oil in the open area

causing pollution to the extent that the Well of the Applicant has become unfit for drinking and usage due to seepage of oil into the nearby ponds, waterbodies, nullahs and agricultural fields. It is alleged that the organic and inorganic compounds present in the effluents are causing eutrophication of the waterways jeopardizing the aquatic eco system.

3. It is also alleged that the Panchayat Development Officer, Barjora, inspected the Unit and submitted his Report copy of which has been filed as Annexure-‘E’ to the Original Application findings of which have been quoted in paragraph 8 of the Original Application. It is stated that the Environmental Engineer, Durgapur Regional Office of the West Bengal Pollution Control Board had also issued notice dated 12.08.2008 but nothing happened thereafter though the Applicant was present during the hearing of the matter before the State Pollution Control Board on 02.09.2008 i.e. the date fixed but no one appeared on behalf of the Unit and no hearing took place on that date. Thereafter, the Applicant is stated to have filed M. P. Case No.727 of 2017 under Section 144 of Code of Criminal Procedure, 1973 and the West Bengal Pollution Control Board was directed to submit a Report by the Executive Magistrate, Bankura. The Inspection Report has been filed at page 47 of the paper book.
4. It is stated that Officer-in-Charge, Public Grievance Cell, Office of the District Magistrate and Collector, Bankura has intimated the grievance of the Applicant to the Superintendent of Police, Bankura as well as to the Assistant Environment Engineer/In-Charge, West Bengal Pollution Control Board, Durgapur Regional Office vide his letter dated 26.09.2022 after which an Inspection of the Unit was conducted by the West Bengal Pollution Control Board on

02.01.2023 and the observations have been extracted in paragraph 18 of the Original Application but thereafter no action has been taken till date.

5. In our opinion, matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Prithwish Basu, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.1, West Bengal Pollution Control Board.
8. Mr. Sibojyoti Chakraborty, learned Counsel who is present in the Court, accepts notice on behalf of the Respondent Nos.2,3,4 and 5, State Respondents, Government of West Bengal.
9. Issue notice to the Respondent Nos.6 and 8, returnable within four weeks.
10. The respondents shall file their counter affidavits within four weeks.
11. At this stage, we are not issuing notice to Respondent No.7, Central Ground Water Board (CGWB).
12. Considering the allegations made out in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - i) Senior Scientist/Environmental Engineer, West Bengal Pollution Control Board;
 - ii) District Magistrate and Collector, Bankura or his representative Officer not below the rank of Additional District Magistrate (A.D.M.)
13. The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.

14. The West Bengal State Pollution Control Board shall be the Nodal Body for all logistic purposes and shall file the Inspection Report on affidavit.
15. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any.
16. Mr. Kallol Basu, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Prithwish Basu and Mr. Sibojyoti Chakraborty, learned Counsel for the Respondents, within 24 hours.
17. **List on 20.11.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

October 12, 2023,
Original Application No.143/2023/EZ
SKB